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6 Attorneys for Defendant and Cross-Complainant  
Z-MAN FISHING PRODUCTS, INC.

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 APPLIED ELASTOMERICS,  
INCORPORATED, a California corporation

Case No. C06-2469 CW

12 Plaintiff,

STIPULATION RE ADR SELECTION;  
ORDER

13 v.

Honorable Claudia Wilken

14 Z-MAN FISHING PRODUCTS,  
15 INCORPORATED, a South Carolina  
corporation

Trial Date: None Set

16 Defendant.  
17

18 AND RELATED COUNTERCLAIMS  
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20 Plaintiff and Counter-Defendant Applied Elastomerics, Incorporated (“AEI”) and  
21 Defendant and Counter-Complainant Z-Man Fishing Products, Incorporated (“Z-Man”), through  
22 their respective attorneys and pursuant to the Court’s Local Rule 16-8(c)(1), hereby stipulate as  
23 follows:

- 24 1. WHEREAS, on August 24, 2006, the parties stipulated, pursuant to Civil L.R. 16-8  
and ADR L.R. 3-5, to participate in mediation through the Court’s Alternative Dispute Resolution  
25 Program;
- 26 2. WHEREAS, on September 11, 2006, this Court ordered that the matter be referred  
to Court sponsored mediation;

1           3       WHEREAS, the parties have further met and conferred concerning ADR options  
2 and have decided that they would prefer to conduct private mediation with Martin Quinn through  
3 JAMS; and

4           4       WHEREAS, the parties have been in contact with Mr. Quinn's case manager and  
5 have tentatively arranged to conduct private mediation on November 30, 2006 pending the  
6 removal of this matter from the Court's ADR Program.

7           IT IS HEREBY STIPULATED between AEI and Z-Man that matter be taken out of the  
8 Court sponsored ADR Program and that the parties' be allowed to conduct private mediation with  
9 Mr. Quinn through JAMS. The deadline for the ADR session shall remain November 30, 2006.

10          Dated: October 13, 2006

MORRISON & FOERSTER, LLP

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12          By:

/S/      JILL NEIMAN

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JILL NEIMAN

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Attorneys for Plaintiff and Counter-Defendant  
Applied Elastomerics, Inc.

15          Dated: October 13, 2006

DILLINGHAM & MURPHY

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17          By:

/S/      MARK ROGERS

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MARK J. ROGERS

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Attorneys for Defendant and Counter-Complainant  
Z-Man Fishing Products, Inc.

21          IT IS SO ORDERED.

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10/17/06

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Dated: \_\_\_\_\_



24          HONORABLE CLAUDIA WILKEN  
United States District Judge

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